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Second report of the Secretary-General on the United Nations Operation in Burundi

I. Introduction

1. The present report is submitted pursuant to Security Council resolution 1545 (2004) of 21 May 2004, by which the Council established the United Nations Operation in Burundi (ONUB) and requested me to provide an update every three months on the situation in Burundi, the implementation of the Arusha Peace and Reconciliation Agreement for Burundi and the execution of the Operation's mandate. This report covers major developments since my report of 25 August 2004 (S/2004/682).

II. The transitional process

2. The reporting period was marked by major developments in the last few months of the original 36-month transitional period, which ended on 31 October 2004. Those developments include a breakthrough decision by the majority of Burundian parties to extend the transitional period under the existing arrangements for at least six months, the adoption and acceptance by major parties of a clear electoral calendar, and the adoption of a post-transition constitution to be put to a popular referendum. However, much more remains to be done by the Burundian stakeholders to advance the major objectives of the transition.

3. On the political side, key legislation must be adopted, including the communal law; repeal of the law banning assembly; and the laws governing the establishment of the new military and security forces. While the 1993 law on elections may be used for the referendum in the absence of any updated legislation, a new electoral code must be in place before elections are held.

4. On the security side, disarmament must proceed without delay, so that armed groups may become eligible to be registered as political parties in good time before the elections. Demobilization and integration must take place for the creation of integrated security services, and the issue of the proliferation of legal and illegal arms should be addressed to ensure a minimum level of security for elections. The issue of FNL (Agathon Rwasa), which remains outside the peace process, and the group's potential to disrupt the electoral process, will have to be resolved.

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5. During the reporting period leading up to October, delays in planning for elections continued as a result of a lack of agreement on modalities for post-election power-sharing. The predominantly Tutsi parties continued to insist on revisions to the Arusha and subsequent agreements, which would ensure their rights as a minority group. Those proposals were opposed by the Hutu-dominated parties. On 23 August 2004, members of the G-10 Tutsi parties addressed a letter to the President, Domitien Ndayizeye, asking him to continue discussions on power-sharing. While indicating that he was still prepared to pursue such negotiations, the President insisted that the transitional process must at the same time be allowed to go forward, on the basis of the Pretoria agreement of 6 August on power-sharing.

6. On 3 and 4 September 2004, President Ndayizeye convened an extraordinary session of the Council of Ministers to discuss the text of a draft constitution, prepared by a commission of jurists established under former President Buyoya. However, reflecting the prevailing tensions, members of the non-signatory parties to the Pretoria agreement of 6 August, including the Vice-President and the Ministers for Defence and External Relations, boycotted the session, as a result of which there was no quorum. In response, CNDD-FDD (Nkurunziza) threatened to withdraw from State institutions if elections were not held as scheduled by the end of the transitional period on 31 October.

7. In an effort to break the deadlock, on 15 September, President Ndayizeye issued a decree calling for the draft constitution to be put to a popular referendum, without any further amendments. On 17 September, some parties of both the G-7 Hutu and G-10 Tutsi groupings attempted to find a formula allowing the non-signatory parties to sign the Pretoria agreement of 6 August as a basis for adhering to the constitution, but this proved to be impossible. On the same day, an extraordinary session of Parliament unanimously adopted the draft constitution, with 189 of 270 members present, including some members of the UPRONA party. The majority of those absent were from the non-signatory parties to the Pretoria agreement of 6 August.

8. On 12 October, however, following consultations with ONUB and the international community, the National Independent Electoral Commission, which had been established by Parliament on 31 August, determined that, for technical reasons, the referendum could not be held in October, with subsequent general elections to be held by 31 October, as envisaged in the Arusha Agreement. This recommendation was transmitted to the Heads of State of the Regional Peace Initiative on Burundi.

9. The twenty-third Summit of the Great Lakes Regional Peace Initiative on Burundi was held in Nairobi on 15 October. The Summit, which brought together the Heads of State of Burundi, Kenya, Rwanda and Somalia, the Deputy President of South Africa and Facilitator of the peace process for Burundi, and the Vice-President of the Peace and Security Commission of the African Union, was chaired by the President of Uganda, as Chairman of the Initiative. The Minister for Foreign Affairs of the United Republic of Tanzania, the Special Representative of the African Union in Burundi and my Special Representative for Burundi also attended the Summit. The meeting endorsed the conclusions made by the National Independent Electoral Commission that elections could not be held before 1 November 2004, and called for an extension of the transitional institutions and

administration. The regional leaders also agreed that the draft constitution should be considered as the provisional constitution until the referendum was held.

10. On 20 October, immediately following a joint special session of the National Assembly and the Senate, President Ndayizeye signed a law declaring the draft constitution to be the interim constitution until the referendum was held. Initially, members of the non-signatory parties to the Pretoria agreement of 6 August stated their disagreement with the interim constitution, as they considered the special parliamentary session to be illegal. Late in October, however, in response to further consultations and following appeals of leaders of the transition and the international community, those parties dropped their objections and issued a statement calling for unity, thus paving the way for a break in the political stalemate. Nine of the 10 Tutsi-dominated G-10 parties have since accepted the interim constitution. However, prominent Tutsi leaders, including the Vice-President, Alphonse Kadege, continued to call for a popular debate on amendments to the text of the proposed constitution. The tenth party, PARENA, had not been participating in the political process and refused to pronounce itself on the matter.

11. On 10 November, citing Vice-President Kadege's "failure to fulfil his primary function of assisting the President", President Ndayizeye, under a provision in the new interim constitution, issued a decree dismissing Mr. Kadege. Specifically, the decree referred to the Vice-President's refusal to participate in the Council meetings to discuss the draft constitution and his attempts to push forward a separate draft constitution in parallel to the Transitional Government's efforts, among other things. The night before issuing the decree, President Ndayizeye convened a meeting with the international community to advise it that the Vice-President's constant opposition was blocking preparations for the referendum. There was no immediate serious opposition to the decree by the Tutsi parties, and UPRONA has cooperated with the President in nominating two candidates for the post of Vice-President. The Deputy Speaker of Parliament, Frédéric Ngenzebuhoro, has now been approved for the post by the National Assembly and the Senate.

The electoral process

12. On 16 October 2004, the National Independent Electoral Commission published a new timetable for the referendum and elections that has since been endorsed by the Transitional Government. Accordingly, the referendum is now to be held on 26 November; *colline* elections on 9 February 2005; communal elections on 23 February; legislative elections on 9 March; and elections for the Senate on 23 March. The process would culminate with the indirect election of the President by Parliament on 22 April 2005.

13. The United Nations Development Programme (UNDP) and ONUB estimate that some US$ 23 million will be required to fund the entire electoral process, including the constitutional referendum. To date, pledged contributions stand at $19.5 million, a significant improvement on the $1 million cited in my last report to the Council. However, the disbursement of pledged funds remains slow, partly because of donors' reluctance to release funds until a comprehensive budget for the elections was issued by the National Independent Electoral Commission. As at the end of October 2004, only the Government of the Netherlands had delivered on its pledge of $1.87 million. On 2 November, the National Independent Electoral

Commission submitted to donors a budget for the elections and a plan outlining expenditures for the referendum.

Implementation Monitoring Committee

14. The Implementation Monitoring Committee established pursuant to the Arusha Agreement continued to play a key role in determining the priorities of the transitional process. At its twenty-first session, held on 30 September and 1 October, the Committee urged the Transitional Government of Burundi to facilitate the registration of former armed political parties and movements as political parties and appealed to the National Assembly to enact as quickly as possible a draft electoral code and a related law on district administration. In its deliberations on ceasefire-related issues introduced by the Joint Ceasefire Commission, the Committee called on the Transitional Government to formally establish the new defence and security forces during the current session of the National Assembly; to approve the Forces Technical Agreement and joint operations procedure for the pre-disarmament and demobilization of combatants; to create an integrated Joint Chiefs of Staff for the army and for the police; and to establish without delay a Joint Staff Headquarters. While many of these recommendations have since been implemented, the Transitional Government has yet to establish its new defence and security forces, or begin the disarmament and demobilization of combatants (see sect. IV), nor did the National Assembly meet to discuss the Organic Law establishing the new security and defence forces.

15. A number of other recommendations were made, including the completion by the Forces armeés burundaises (FAB) and armed political movements of the demobilization of child soldiers. The Implementation Monitoring Committee requested that the Government amend the 1962 law on recruitment into the army of minors under the age of 16 years.

16. During its twenty-second session, on 28 and 29 October 2004, the Committee urged the Burundian parties to accept the electoral timetable and continue the dialogue initiated by the President among all parties and institutions aimed at easing current tensions.

III. Military and security developments

17. The military situation in the country has remained generally stable throughout the reporting period, with the exception of three western provinces (Bujumbura Rurale, Cibitoké and Bubanza) where frequent clashes continued between FAB/CNDD-FDD and FNL (Rwasa). The Burundian Armed Forces and CNDD-FDD have reinforced and strengthened their forces in those conflict areas and are conducting integrated operations against FNL combatants. The hostilities cause temporary displacements of the local population, who on occasion seek refuge near ONUB deployment sites.

18. Crime in the country continues to be on the rise and is characterized by indiscriminate and opportunistic incidents. On 26 September, a United Nations Volunteer was murdered in Bujumbura, making him the first civilian casualty in the mission. This tragedy serves to underline the dangers faced by ONUB personnel serving in the mission and the need to ensure that all security measures are in place and fully respected. Organized crime, including armed robbery, carjacking,

kidnapping, torture and murder are becoming increasingly prevalent. An escalation in cattle theft has also been reported, not only in Bujumbura Mairie and Bujumbura Rurale, but along National Highway 5, a major export axis connecting Bujumbura to the Democratic Republic of the Congo, and continuing northward through Bubanza and Cibitoké Provinces to Rwanda. In many cases the individuals committing the crimes wear military uniforms and act with apparent impunity; they may have links with the security forces, including FAB and CNDD-FDD. Criminality committed by FNL combatants is frequent, as are civil disputes arising from unresolved land ownership conflicts.

19. In the meantime, the continuing proliferation of small arms poses a major security risk. Early in August 2004, the Government of Burundi asked me to assist in addressing the issue of small arms proliferation and their illegal trade. ONUB and the United Nations country team have been working closely to elaborate a joint approach to combating the proliferation of small arms, by ensuring that the issue is raised when developing confidence-building measures, and in activities relating to the reintegration of ex-combatants and the creation of an efficient national police service. The mission has already initiated discussions on the issue of arms trafficking with the group of experts established pursuant to Security Council resolution 1552 (2004). For its part, UNDP will seek to address the demand side, by linking the recovery of small arms to sustainable development.

20. The instability in some areas of the eastern part of the Democratic Republic of the Congo continues to contribute to increased tensions in Burundi. The massacre of Congolese Banyamulenge refugees on 13 August at a transit camp at Gatumba has been used by hard-line Tutsi elements to stoke fears of genocide, further raising tensions in Burundi (see paras. 47 and 48). In mid-October, roughly 3,000 Burundians, mostly from the Tutsi community, crossed into Rwanda citing fear of election-related violence, prompting UPRONA to accuse CNDD-FDD (Nkurunziza) of conducting a "terror campaign". At a meeting with my Special Representative on 7 October, the President of Rwanda, Paul Kagame, expressed concern about the arrival in Rwanda of those refugees. More than half have now returned, after visits by political leaders to reassure the population.

IV. Security sector reform and disarmament, demobilization and reintegration

Military integration

21. In order to accelerate the removal of arms and ex-combatants from pre-disarmament assembly areas, the integration camp at Tenga, Bujumbura Rurale Province, has begun the training of combatants to form joint security brigades, with the financial assistance of several Governments, including the Government of the Netherlands. On 23 September, 1,000 FAB and 800 CNDD-FDD (Nkurunziza) elements completed a month-long training programme, and have been deployed to replace FAB units in Bujumbura Rurale. These joint security units, however, are so far composed only of FAB and CNDD-FDD (Nkurunziza) combatants; the five smaller armed parties and political movements — CNDD (Nyangoma), FROLINA, FNL-Icanzo (formerly FNL (Alain Mugabarabona)), PALIPE-Agakiza and Kaze-FDD (formerly CNDD-FDD (Jean Bosco Ndayikengurukiye)) — have not yet begun

participating, pending an agreement with the Transitional Government on selection criteria and disarmament procedures.

22. ONUB continues to work through the Joint Ceasefire Commission to resolve these issues, and intends to dispatch a JCC joint liaison team of the Commission to monitor subsequent training sessions, as a confidence-building measure. Rather than continue operations in parallel to the disarmament, demobilization and reintegration process, it is envisaged that the integrated training at the Tenga camp would become a part of the national disarmament, demobilization and reintegration programme, once it becomes operational. The actual inclusion of the first of the combatants in a new national army is scheduled for early 2005, and an estimated 12,000 combatants are expected to be demobilized before elections in April.

23. On 29 October, the Council of Ministers adopted a decree, enlarging the *État Major général intégré* — in effect a national coordinating committee — of the Army, to include two representatives from each of the smaller armed parties and political movements. This national coordinating committee for the new military thus now has 43 members: 20 from FAB, 13 from CNDD-FDD and 10 from other armed parties and political movements. The Council of Ministers has also presented to Parliament a draft law which would reform the national defence and security forces, and bring them under a unified command structure; this has yet to be adopted, however.

Disarmament, demobilization, reintegration and reinsertion

24. The disarmament and demobilization of combatants has not yet commenced, owing to a lack of agreement on several outstanding issues. While the parties had agreed in principle on the need for the immediate integration of the armed forces, the Burundian Armed Forces continue to resist the confinement of their soldiers to barracks in accordance with the Arusha Agreement, citing the continuing threat posed by FNL (Rwasa). For the same reason, FAB have not submitted a list of troop deployments, nor indicated the numbers of heavy weaponry in their possession. Furthermore, the parties have yet to agree on a system for the harmonization of ranks, nor has the issue of direct integration into the national military services before disarmament been addressed. Additionally, the Government has yet to prepare an operational plan for the integration and reform of the military, or to indicate how it intends to cover the budget necessary to support this process. While progress on disarmament and demobilization has been slow, the Executive Secretariat of the National Commission for Demobilization, Reinsertion and Reintegration has agreed to prioritize the demobilization of child soldiers, which is to be completed by the end of the year.

25. Despite these political problems, most of the technical preparations for the implementation of disarmament, demobilization and reintegration were completed. On 27 September, the Executive Secretariat established the three demobilization centres in Gitega, Bubanza and Muramvya and made arrangements for the provision of food and non-food items at the centres. The draft disarmament, demobilization and reintegration plan, which has been created by the Transitional Government and ONUB, calls for the establishment of two integration camps in each of the five military regions throughout the country. Combatants would be dispatched from the assembly areas to undergo training at one of the 10 camps, after being disarmed, registered, and vetted for recruitment into the national military. The Government of

China has agreed to provide tents and uniforms for the integration programme, and ONUB continues to work with the Transitional Government and the European Commission to finalize a budget to cover other operational aspects.

26. As at 18 October 2004, 20,979 members of the armed political parties and movements had been assembled in 12 pre-disarmament assembly areas throughout the country. ONUB monitors these areas regularly to prevent continued recruiting by the parties and to deter misuse of pre-disarmament food delivery, currently funded by the European Commission and the United Kingdom Department for International Development. All the parties, including FAB, have provided the Joint Ceasefire Commission with certified lists of their combatants, which are in the process of being verified by the joint liaison teams.

27. The United Nations system in Burundi, major international donors, and the World Bank Multi-Country Demobilization and Reintegration Programme are working closely with the Transitional Government on reintegration issues, and have developed a plan of action based on the United Nations development assistance framework, the poverty reduction strategy paper and the National Programme for the Rehabilitation of *Sinistrés* (war victims).

Police

28. On 30 September 2004, the Council of Ministers adopted a decree on the formation, organization and mandate of the National Burundian Police, and on 9 October sent to Parliament a law which would reorganize the Ministry of Public Security. On 28 October, the Parliament endorsed a presidential decree allowing CNDD (Nyangoma), FROLINA, FNL-Icanzo, PALIPE-Agakiza and Kaze-FDD to join the *État Major général intégré* of the police. An assessment of police structures, including the Gendarmerie, and of training centres, is being undertaken by mixed teams composed of members of the *État Major général intégré* of the police and the civilian police component of ONUB.

29. In order to effectively coordinate security for elections, the Minister for Public Security has established a National Electoral Security Council, and agreed to create an interim police force composed of 14,400 officers, with the financial and material support of the Governments of Belgium and the Netherlands.

V. Deployment of the Operation

30. As at 5 November 2004, the military strength of ONUB stood at 5,526, of the overall authorized strength of 5,650. The current strength includes 83 staff officers, 184 military observers deployed to 27 team sites, and infantry battalions from Pakistan (deployed to Cibitoké Province), Ethiopia (Gitega and Muyinga), Nepal (Bubanza and Ngozi), South Africa (Bujumbura Rurale), and Kenya (Makamba) and an infantry company from Mozambique (in Bujumbura).

31. Major operational activities of the ONUB military component have included monitoring the ceasefire arrangements, assisting with the investigation into the Gatumba massacre, monitoring the implementation of disarmament, demobilization and reintegration activities and escorting non-governmental organizations and food convoys to the assembly areas. ONUB units have been deployed close to the Mwaro and Muyinga refugee camps, which house over 2,000 Congolese. The military

component also undertakes aerial reconnaissance and maritime patrols, both for monitoring and confidence-building purposes. Procedures are also in place to support the disarmament process, once it begins.

32. The ONUB regional offices — staffed with personnel from the electoral, human rights, civilian police, civil affairs and public information components of the mission — have commenced work in Gitega, Makamba and Muyinga Provinces. ONUB offices in Bujumbura Rurale and Ngozi are expected to be operational within the next month. The presence of substantive ONUB staff in the regions will allow the United Nations to work closely with civil society and community leaders at the regional and local levels.

33. From the outset, my Special Representative has reinforced the "zero tolerance" approach to issues of undesirable behaviour by United Nations personnel. Any violation of the United Nations standards of conduct will lead to disciplinary measures, including the possibility of dismissal and repatriation, in accordance with appropriate disciplinary procedures. In order to address such issues throughout the United Nations system in Burundi, ONUB is coordinating a series of training workshops also targeting humanitarian personnel involved in food distribution to refugees and internally displaced persons.

34. Within ONUB, a code of conduct officer has been appointed at a senior level to receive complaints of any form of misconduct by members of ONUB and to take the lead in developing and implementing measures to prevent, identify and respond to all forms of misconduct. The mission has set up an internal standards of conduct task force to focus on prevention and identification of, and response to, misconduct, while conducting awareness-raising, training and deterrence activities.

35. Despite the mission's sustained efforts, the host country has not been in a position to provide premises free of charge which can adequately accommodate the ONUB offices and logistical and military components. It has therefore been necessary to lease commercial space. In the meantime, civilian operations in Bujumbura alone are currently conducted from four different locations, two of which are in the city centre and do not comply with established United Nations security standards. Furthermore, the existing premises do not provide sufficient space to house all components at the approved staffing levels. A decision has therefore been made to construct a containerized integrated mission headquarters at an open greenfield site, some two kilometres from the city centre.

36. In accordance with paragraph 10 of Security Council resolution 1545 (2004), the Secretariat has been negotiating with the Transitional Government to conclude a status-of-forces agreement for ONUB. On 11 October, the Transitional Government submitted to the United Nations its comments on the draft agreement. A response has been sent by the Secretariat following a review of the comments.

VI. Human rights, rule of law and gender

37. During the reporting period, the United Nations continued to receive allegations of violations perpetrated by FAB, CNDD-FDD (Nkurunziza) and FNL (Rwasa), including extrajudicial execution and disappearance, excessive use of force, sexual violence, torture and ill-treatment of detainees, arbitrary and illegal arrest, extortion, intimidation and looting of property.

38. As detailed in my last report (S/2004/682), the continuing operation of parallel administration and justice systems established by former CNDD-FDD combatants is a source of concern. ONUB continues to receive almost daily reports of arbitrary or illegal arrests of civilians by CNDD-FDD personnel. Those arrested are held in illegal detention centres within military camps in very poor conditions, suffer ill-treatment and sometimes torture, and appear to be released only after having made monetary payments. In one such incident, a victim stated that he had been arrested four times, and on each occasion forced to pay for his release.

39. Between August and October, ONUB carried out assessments of 6 of the 11 prisons in Burundi, and concluded that the country's prisons are seriously overcrowded, with a population of approximately 7,900 in facilities built to house 3,650. Nearly 60 per cent of prisoners were awaiting trial, some for up to six years, and others were eligible to be released on parole. Among the prison population were political prisoners who had been arrested for associating with an armed political movement. As a result of internal disagreement, the Transitional Government has not yet been able to decide on the definition of a political prisoner, which prevents the release of a large number of pre-trial detainees.

40. In mid-September, ONUB received reports of mass graves with as many as 100 bodies in three locations in Mutambu commune, Bujumbura Rurale. FNL (Rwasa) had been active in the area until CNDD-FDD forces assumed control early in September 2004. Access has been prevented because of security concerns and discouraged by FAB and CNDD-FDD forces.

41. On 16 September, some 44 homes were burned down in Gatare, in Kirundo Province, by FAB soldiers acting on the orders of the provincial Governor. Civilian authorities claimed to have given the occupants notice to leave as they were occupying State land. An investigation into the incident was initiated by the Minister for Human Rights and the parliamentary Human Rights Commission.

42. Five persons were lynched in Gitega Province in mid-August following rumours that Tutsis were murdering Hutus with poisoned injections to prevent them from voting in the forthcoming elections. In each case the individuals were killed after being denounced by an alleged "victim". No evidence has been found to support the accusations, and 11 people have been arrested in connection with these crimes. Further, four persons accused of sorcery were lynched in Cibitoké Province, Mugina commune, in October. These incidents continue a disturbing trend I referred to in my previous report, noting the re-emergence of a pattern of violence directed towards alleged sorcerers and witches, who, in some cases, were beaten and burned to death.

43. Reports of sexual and gender-based violence continue to be received, including the rape of minors. Following nationwide education campaigns, more victims are coming forward, and both national and international networks are being established to provide assistance to victims and their families. Impunity in these cases remains a serious problem as the judicial system is neither trained nor equipped to deal appropriately with the victims of sexual violence or the alleged perpetrators.

44. The efforts of ONUB in gender mainstreaming have been focusing on women's political participation and cooperation with the Ministry of Women's Welfare, including local and international non-governmental organizations. A

network is now in place which includes all stakeholders, to aid in the consideration of gender concerns during the drafting of key legislation for the post-transition period.

45. Within the mission, a gender task force has been established with focal points from each section. Training on gender mainstreaming and on the special needs of women in post-conflict situations has been delivered to all sections and continues for all new arrivals. Special sessions have been held for female military and police staff to enhance awareness of key issues relating to the gender aspects of the mission's mandate. Advocacy tools and an outreach network include working with the public information section to develop and broadcast radio programmes on gender and peace-building.

46. The Independent Expert on the situation of human rights in Burundi, Akich Okola, appointed by the Commission on Human Rights in July 2004, carried out an assessment mission to Burundi from 4 to 13 October 2004. The expert held consultations with a wide cross-section of government and non-governmental actors and will report to the Commission at its sixty-first session.

The Gatumba massacre

47. As requested by the Security Council by its presidential statement of 15 August 2004 (S/PRST/2004/30), ONUB, the United Nations Organization Mission in the Democratic Republic of the Congo and the Office of the United Nations High Commissioner for Human Rights conducted a joint investigation into the massacre on 13 August of 152 Congolese refugees at the Gatumba refugee camp, located close to the border with the Democratic Republic of the Congo. The results of the investigation were transmitted to the Council by my letter to the President of the Council dated 15 October (S/2004/821).

48. Despite extensive investigation, there is no clear evidence of who organized, carried out and financed that gross atrocity. The FNL (Rwasa) claim of responsibility has been supported by witness statements and led United Nations investigators to believe that the group did, indeed, participate in the attack. There is however, a strong indication that FNL (Rwasa) did not act alone. Unfortunately, the dearth of verifiable information and limited cooperation by the Burundian authorities hampered the formulation of a definitive report. A national investigation is still ongoing.

VII. Public information

49. The public information component of ONUB commenced production of weekly bilingual radio broadcasts on 23 October 2004 that are disseminated by five public and private broadcasters, with coverage to over 90 per cent of the country. Outreach programmes to support the electoral programme of the National Independent Electoral Commission will also soon commence. A weekly news conference provides the Burundian media with mission activities, and a weekly newsletter keeps ONUB local and international staff informed of relevant developments. Work is ongoing in support of electoral activities, including the printing and dissemination of the post-transition constitution prior to the referendum on its adoption, and a special election magazine planned for mid-November.

VIII. Humanitarian situation

50. The humanitarian situation in Burundi remains precarious, but there have been gradual improvements across the board over recent months. The improvement has, more recently, occurred in parallel with a reduction in overall conflict throughout the country and permitted some 90,000 refugees to return home to Burundi from the United Republic of Tanzania since the beginning of the year, almost double the number of returnees registered from that country in 2003. However, the number of returns to Burundi dropped considerably in the last month, from 9,681 in August and 6,700 in September to 1,378 in October.

51. It is estimated that 35,000 civilians have been displaced recently as a result of the continued fighting in Bujumbura Rurale, the majority of them in the communes of Kabezi, Mutambu and Muhuta and the Kanyosha area south of Bujumbura. Reports obtained from among the displaced populations indicate that land and property destruction in the areas of origin are extensive. Households and crops have been looted and destroyed and, as the displacement has extended in time, many families have been unable to tend to their lands. FAB/CNDD-FDD operational procedures have focused on targeting the population generally presumed to be FNL supporters, and the provision of humanitarian assistance has been increasingly affected by looting after aid distributions. While this problem is not new, looting has become a common practice in the past months, especially in areas of CNDD-FDD deployment.

52. Because of the precarious situation in some areas of the country, particularly in Bujumbura Rurale, Cibitoké and Bubanza Provinces, the protection of civilian populations, especially in the southern communes of Mutambu, Kabezi and Muhuta, has remained a core concern. As a direct result of military actions between FAB/CNDD-FDD and FNL (Rwasa), approximately 30,000 people remain displaced, living under precarious makeshift conditions. Joint actions by United Nations agencies, non-governmental organizations and the Office for the Coordination of Humanitarian Affairs have sought to ensure close monitoring of protection issues and the provision of relief. Although there are now fewer cases of food shortages and malnutrition in Burundi, the World Food Programme has warned that the food security situation remains threatened.

53. During the months of September and October, some 2,200 Congolese refugees returned from Burundi to South Kivu Province in the Democratic Republic of the Congo. An additional 10,800 refugees are estimated to have returned spontaneously to the Democratic Republic of the Congo from the Rugombo and Karurama transit camps in Cibitoké Province, and another 1,346 Congolese refugees crossed into Rwanda during the same period. The returns from Burundi, initiated by representatives of the Banyamulenge community in Burundi, occurred while uncertain security conditions prevailed in South Kivu. While UNHCR therefore sought to discourage refugees from returning, it also established a presence in Uvira and deployed an emergency team to coordinate assistance and to establish a mechanism for the monitoring of the returnees.

54. The Government of Burundi has strengthened the physical protection of camp sites in Mwaro and Muyinga, in collaboration with UNHCR and ONUB. It is estimated that 11,500 Congolese refugees remain in Burundi. Of these, refugees who arrived following the fighting in the Democratic Republic of the Congo in

May/June account for 1,800 in Mwaro refugee camp and 420 in Gasorwe, in Muyinga Province.

55. The humanitarian community in Burundi completed the preparation of the 2005 common humanitarian action plan, which has served as the basis for the elaboration of the 2005 Consolidated Inter-Agency Appeal. In line with the findings of a series of assessments conducted by United Nations agencies, non-governmental organizations and the International Committee of the Red Cross (ICRC), priorities for humanitarian programmes focus on three main areas: strengthening equal access to basic services, enhanced food security at the household level and support to community reintegration in the context of internally displaced and refugee return movements.

IX. Mine action

56. Collaboration with United Nations agencies and partners involved in mine action has begun in earnest, and preparations are in place for a series of 10 mine action projects scheduled for 2005 and included in the common humanitarian action plan. These include supporting the effective integration of humanitarian assistance operations through strategic mine clearance, surveying and demarcation to support the operations of the peacekeeping force, working with the demining non-governmental organizations, and assisting the national mine action coordination authority in the development of a national management capacity and the establishment of an indigenous and sustainable mine action programme in Burundi. The Mine Action Coordination Centre has been assisting UNICEF in the provision of landmine safety training since July 2004 and has trained 200 ONUB military or civilian staff and humanitarian aid workers to date.

X. Economic situation

57. Citing the progress made in the peace process, on 27 October 2004, the African Development Bank classified Burundi as a "post-conflict country" and announced that it would clear 35 per cent of Burundi's arrears. This measure allows for resumed operations of the Bank in Burundi and facilitates access by the country to other multilateral establishments. The International Monetary Fund and the World Bank have similarly classified Burundi as a post-conflict country.

XI. Financial aspects

58. The General Assembly, by its resolution 59/15 of 29 October 2004, appropriated an amount of $329.7 million for the maintenance of ONUB for the 2004/05 financial period, inclusive of the amount of $106.3 million previously authorized for the Operation in its resolution 58/312 of 18 June 2004.

59. As at 31 October 2004, unpaid assessed contributions to the special account for ONUB amounted to $53.6 million. The total outstanding assessed contributions for all peacekeeping operations at that date amounted to $2,391.9 million.

XII. Observations

60. In recent months, steady progress has been observed in the peace process, especially with regard to the peaceful extension of the transition and the establishment of a clear electoral calendar, which was a result of concerted national and international efforts. I welcome the unity of vision through which the Burundian parties averted a constitutional crisis. Major political and social tensions in the country remain, however, fuelled by continuing mistrust between the parties. It is therefore imperative to urgently address the outstanding tasks of the transition, so as to avoid any further delays beyond the current extension. I call on the political and military leaders to take advantage of the extension and resolve those outstanding matters.

61. In particular, key legislation remains to be adopted, including the electoral code and the communal law, and the laws on the reform of the armed forces and the police. Disarmament of armed groups must proceed without delay, so as to allow them to register as political parties and meaningful military integration should be accomplished as soon as possible. The issue of FNL (Rwasa) and its potential to disrupt the electoral process must be carefully assessed and addressed.

62. However, any progress in the implementation of the Arusha Agreement should not be held hostage by either the sectarian or the individual interests of party leaders, both of which have characterized the Burundian peace process to date. At the same time, without prejudice to the need for justice and accountability, it would also be important to maintain the inclusiveness of the process, with sufficient political guarantees for all major sectors of Burundian society, reflecting the spirit of the Arusha Agreement. It would be tragic if the Burundian parties were to undermine the progress and confidence-building achieved so far by recklessly pursuing a winner-takes-all strategy.

63. I remain very concerned about the extent of human rights violations in Burundi. The culture of impunity, which has contributed to the nature of the conflict in the country, must be addressed decisively, in order to lay the foundation of a lasting peace in the country. Burundi's national judicial capacity must be enhanced, to allow it to address the many egregious crimes that continue to be committed.

64. The Gatumba massacre of August 2004 vividly highlighted the interlinkages between the conflict in Burundi and that of the Democratic Republic of the Congo. Continuing inflows and outflows of refugees throughout the Great Lakes region also demonstrate the need to urgently engender regional cooperation. To this end, I welcome the forthcoming summit of the International Conference on the Great Lakes Region, which is to be held at Dar es Salaam on 19 and 20 November, and which will provide a comprehensive framework where cross-cutting issues affecting the countries of the region will be discussed.

65. At the same time, I urge the international community to maintain a unity of vision in helping to advance the Burundian peace process. A strong donor response to humanitarian and other pressing appeals would help to stabilize communities and the country as a whole at a time of increased returns of refugees and internally displaced persons, the beginning of the disarmament and integration of the armed forces leading to the elections. So far, the disbursement of pledged support has been slow in Burundi, and I strongly call on all donors to act decisively.

66. Having made major political achievements in the last six months, especially since the deployment of ONUB, Burundi finds itself at the beginning of a dynamic but potentially volatile electoral process. In the light of the progress made thus far, and in view of the remaining priorities of the transition, I recommend that the mandate of ONUB be extended for an additional six months, until 31 May 2005. At that time, I hope to be able to report to the Security Council on the results of the electoral process and, as requested in its resolution 1545 (2004), assess the configuration of the military component with a view to its possible adjustment, taking account of the progress made on the ground and the tasks remaining to be accomplished by the mission.

67. In conclusion, I would like to thank the Heads of State of the Regional Initiative, particularly the Chairman, and the Facilitation for their continued efforts to keep the transitional process firmly on track. I would also like to express my sincere appreciation to all men and women of ONUB, who, under the leadership of my Special Representative, work tirelessly to ensure that peace will soon be at hand in Burundi. Equally, my appreciation goes to the staff of the United Nations system and the many bilateral and multilateral donors, in particular the European Commission and the international financial institutions, who not only contribute materially to the peace process but ensure that progress is made.

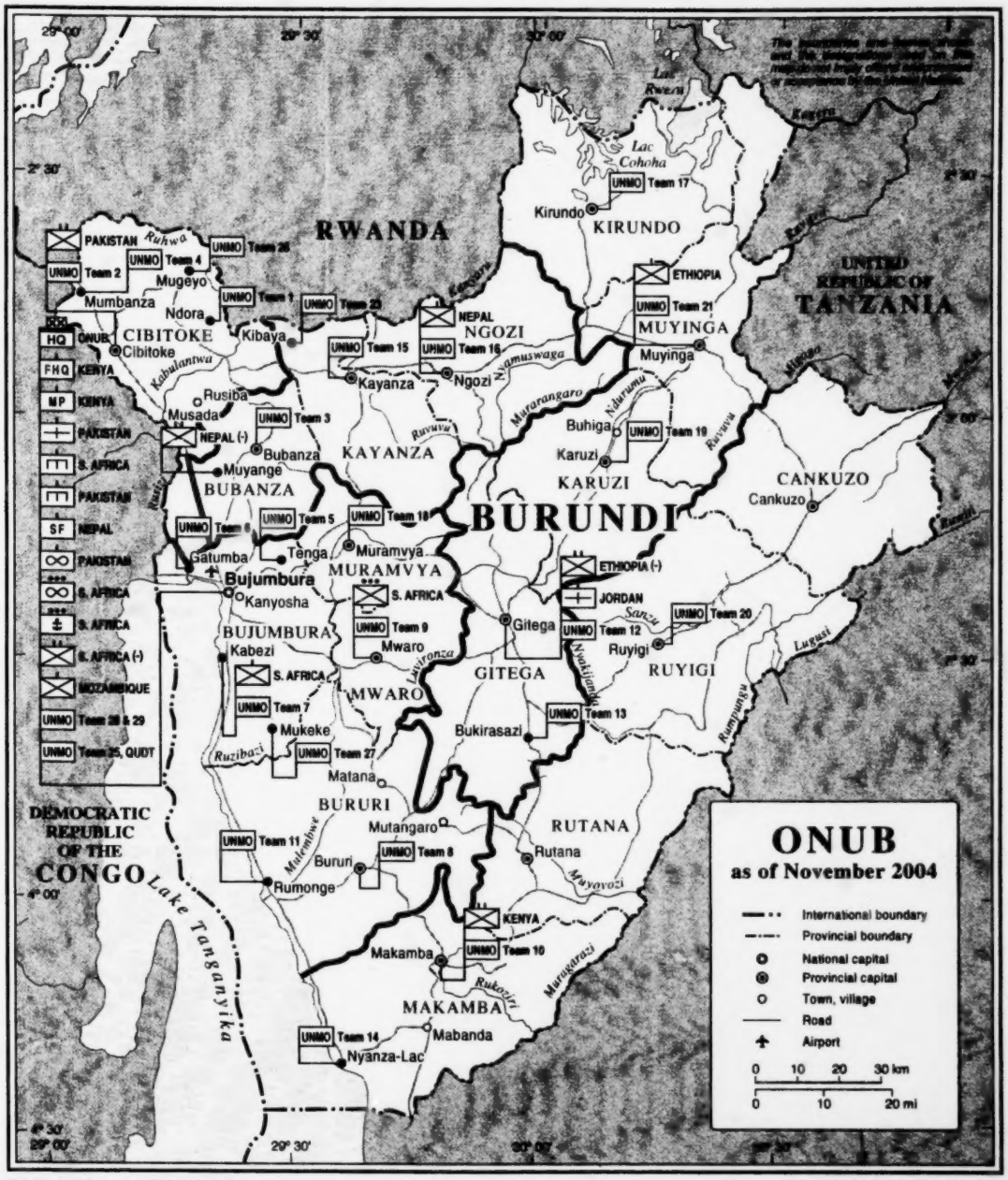
Annex

United Nations Operation in Burundi: military and civilian police strengths as at 5 November 2004

Country	*Military observers*	*Staff officers*	*Troops*	*Total*	*Police officers*
Bangladesh	2			2	
Belgium	2			2	
Benin	4			4	5
Bolivia	3			3	
Burkina Faso	14	2		16	12
Cameroon					10
Chad	8			8	4
China	3			3	
Egypt	2			2	
Côte d'Ivoire					2
Ethiopia	5	9	850	864	
Gabon	6			6	
Gambia	2			2	
Ghana	2			2	
Guatemala	3			3	
Guinea	2			2	1
India	2	4		6	
Jordan	5	2	75	82	
Kenya	2	3	986	991	
Madagascar					1
Malawi	3			3	
Malaysia	3			3	
Mali	19	2		21	15
Mozambique	3	4	223	230	
Namibia	3			3	
Nepal	3	10	927	940	
Netherlands		1		1	
Niger	2			2	7
Nigeria	5			5	1
Pakistan	5	11	1 182	1 198	
Paraguay	3			3	
Peru	3			3	
Philippines	3			3	
Portugal	2			2	
Republic of Korea	2			2	
Romania	5			5	

Country	*Military observers*	*Staff officers*	*Troops*	*Total*	*Police officers*
Russian Federation	8			8	
Senegal	5	6		11	11
Serbia and Montenegro	2			2	
South Africa	4	22	1 016	1 042	
Spain		1		1	
Sri Lanka	2			2	
Togo	13	3		16	
Tunisia	11	3		14	
Turkey					1
Uruguay	3			3	
Yemen	3			3	
Zambia	2			2	
Total	**184**	**83**	**5 259**	**5 526**	**70**

Note: The police officers are the 42 members of the United Nations civilian police currently deployed in Burundi.



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